GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1757
ANSWERED ON:07.03.2006
SPEEDY TRIAL OF CONVICTS
Khaire Shri Chandrakant Bhaurao

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the crime against women is increasing and loopholes in the existing relevant laws help the culprits to go scot-free in the courts of law;

(b) if so, whether the rate of conviction has gone up and humiliation of the victim in courts has considerably come down;

(c) if so, the percentage of conviction in such cases;

(d) whether any study has been made by the government or social organizations to get speedy time-bound trials; and

(e) if so, the details thereof and action taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO HODLYA GAVIT)

(a), (b) and (c): As per statistics compiled by National Crime Records Bureau (NCRB), 1,43,034, 1,40,601 and 1,54,333 cases of crimes committed against women were reported in the country during 2002, 2003 and 2004 respectively. Conviction rates of crime committed against women during the same period were 36.5, 32.9 and 33.1 percent respectively which shows a mixed trend.

Amendment to the Code of Criminal Procedure and the Indian Penal Code is a continuous process. Whenever any lacunae in these laws is brought to notice, necessary action to amend the laws is taken.

(d) and (e): The Law Commission of India which comprehensively reviewed the Code of Criminal Procedure and submitted its 154th report has, inter-alia, recommended that-
(i) the investigation of child rape offences shall be completed within three months from the date on which the information was first recorded by the officer in-charge of the police station,
(ii) when the inquiry of trial is related to an offence under section 376 to 376 D of the Indian Penal Code, judgment shall, as far as possible, be delivered within a period of two months from the date of commencement of the examination of witnesses,
(iii) to combat the problem of adjournment, measures similar to those laid down under Order XVII of the Code of Civil Procedure introduced with effect from February 1, 1977 by Act 104 of 1976 may be adopted for the Code of Criminal Procedure also.

The Malimath Committee in its Report made, inter-alia, the following recommendations:

(i) A suitable provision should be made requiring the officer investigating to complete investigation of cases of rape and other sexual offences on priority basis and requiring the court to dispose of such cases expeditiously within a period of four months.

(ii) Provisions should be made in the Code permitting filing of F.I.Rs in respect of offences under Sections 376, 376-A, 376-B, 376-C, 376-D and 377 of IPC within a reasonable time.

The implementation of the recommendations of the Law Commission in its 154th report and the recommendations of the Malimath Committee is subject to the Government taking a final view on the recommendations, introduction and passage of an amendment Bill in Parliament for which no time frame can be fixed